

**THE AMHERST ALLIANCE**  
***"Voices For Choices"***

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November 14, 2003

Office of the Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

**RE: Document For IBOC Digital Radio Docket (99-325)**

Dear Commissioners and Commission Staff,

With this letter, I am placing within the Commission's proceedings on In Band On Channel (IBOC) Digital Radio -- FCC Docket 99-325 -- the text of a November 14, 2003 Petition For Rulemaking. This submission is being made on behalf of THE AMHERST ALLIANCE, which I serve as President, and the 52 other Petitioning parties.

The Petitioners include 15 FCC-authorized Low Power FM stations, 7 licensed full power stations, 6 aspiring Low Power FM broadcasters, 7 aspiring Low Power AM broadcasters, 6 service providers for the Low Power Radio community, 3 citizens' advocacy groups (including Amherst) and 9 concerned citizens.

The Petition contains 5 proposals, intended to provide expedited relief from adverse conditions for Low Power Radio stations and other current and potential radio licensees.

One of these adverse conditions is the explosive proliferation of satellite-fed translators, aka "satellators", and of other "long distance" translators. The other adverse condition is interference from IBOC Digital Radio broadcasts.

Irreparable harm will result if action on these matters is not taken in the immediate future.

A signed original of this Petition is being sent, by express mail, to the FCC's Office of the Secretary via the FCC's Capitol Heights facility. The signed original is accompanied by 1 dozen copies.

The 53 Petitioners are also bringing this Petition directly to the attention of the FCC's Localism Task Force. The Petition is being conveyed to the Localism Task Force, electronically, through Joint Written Comments dated November 14.

Naturally, a copy of this Petition is also being filed electronically, through the medium of this letter, in FCC Docket 99-325.

Pending in Docket 99-325 is a 40-party Petition For Reconsideration -- filed by THE AMHERST ALLIANCE and others on October 25, 2002 -- which challenges the FCC's October 11, 2002 authorization of "interim" broadcasts with In Band On Channel (IBOC) Digital Radio.

More than a year after its date of filing, the 40-party Petition For Reconsideration has yet to be granted, denied or addressed in any other manner by the FCC.

*Related* to FCC Docket 99-325 is a Petition For Rulemaking by Leonard Kahn, P.E. of KAHN COMMUNICATIONS in New York City and Long Island. As amended on April 5, 2003, and placed within FCC Docket 99-325 by the 40 parties to the October 25, 2002 Petition For Reconsideration, the Kahn Petition seeks immediate Commission consideration of KAHN COMMUNICATIONS' low-interference alternative to IBOC AM Digital Radio. The company's alternative technology is known as Compatible AM Digital Radio (trademarked CAM-D).

It appears that the managers of FCC Docket 99-325 are still pondering both the 40-party Petition For Reconsideration and Leonard Kahn's Petition For Rulemaking. The proposal regarding IBOC Digital Radio -- as set forth in the submitted 52-party Petition For Expedited Relief, Through Rulemaking -- offers the managers of FCC Docket 99-325 an opportunity to provide modest but immediate relief to injured parties, while deliberations on more fundamental reforms are pending.

We urge the managers of FCC Docket 99-325 to consider action on this proposal in their own Docket *and/or* to recommend action, on a separate path, through the Localism Task Force proceedings in FCC Docket RM-10803.

Respectfully submitted,

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“Backup”: 203/756-7310

Submitting these Written Comments, and with them the referenced Petition For Rulemaking, on behalf of the following 53 parties:

1. THE AMHERST ALLIANCE, *Connecticut*
2. CITIZENS MEDIA CORPS & COMMONWEALTH BROADBAND COLLECTIVE, *Massachusetts*
3. PROVIDENCE COMMUNITY RADIO, *Rhode Island*
4. WXHD-FM, *New York*
5. KWAQ-AM, *New York*
6. WILW RADIO, *New York*
7. MELISSA LEAR, *New York*
8. WFMU-FM, *New Jersey*
9. WSJL-AM, *New Jersey*
10. WKJCE GLBT RADIO, *Pennsylvania*
11. WVJW-LP, *West Virginia*
12. WRIR-LP, *Virginia*
13. CLARK COMMUNICATIONS, *Virginia*
14. NICKOLAUS E. LEGGETT, *Virginia*
15. PATRICIA ZUMKEHR, *North Carolina*
16. WSHG-LP, *South Carolina*
17. WFBP-LP, *South Carolina*
18. CHRISTIAN COMMUNITY BROADCASTERS, *Georgia*

19. WALW-LP, *Alabama*
20. STEPHEN C. BRINGHURST, *Alabama*
21. KRXI-FM, *Texas*
22. KYQX-FM, *Texas*
23. KSQX-FM, *Texas*
24. KQXS-FM, *Texas*
25. KMQX-FM, *Texas*
26. KZQX-LP, *Texas*
27. KJUK-LP, *Texas*
28. KLNA-LP, *Texas*
29. KXVX-LP, *Texas*
30. KXDX-LP, *Texas*
31. KWSK-LP, *Texas*
32. KXVI-LP, *Texas*
33. CSSI, *Texas*
34. MBC CONSULTING, *Texas*
35. MICHIGAN MUSIC IS WORLD CLASS!!, *Michigan*
36. JAMRAG MAGAZINE, *Michigan*
37. WJUK-LP, *Indiana*
38. JONATHAN E. GRANT, *Indiana*
39. WPCA-LP, *Wisconsin*
40. DIYMEDIA, *Wisconsin*
41. TUNE TRACKER SYSTEMS, *Wisconsin*
42. BEATRADIO, *Minnesota*
43. CITIZENS BROADCAST BAND DISCUSSION GROUP, *Minnesota*
44. MIDWEST CHRISTIAN MEDIA, *Missouri*
45. E. B. STEVENSON, *Missouri*
46. FRED BAUMGARTNER, C.P.B.E., *Colorado*
47. ALISON MAYNARD, ESQUIRE, *Colorado*
48. ROGER BIRD BEAR, *Colorado*
49. JAMES DAVIES, *Colorado*
50. UNIVERSAL LIFE CHURCH OF VISALIA, *California*
51. COGNITIVE RESEARCH & DESIGN CORPORATION, *California*
52. CHRISTOPHER BYDALEK, *Alaska*
53. JAMES JASON WENTWORTH, *Alaska*

Dated: \_\_\_\_\_  
November 14, 2003

**PETITION FOR EXPEDITED RELIEF,  
THROUGH RULEMAKING:**

**BY THE AMHERST ALLIANCE,  
WVJW-LP, WRIR-LP, WSHG-LP, WFBP-LP, WALW-LP,  
KXQX-LP, KJUK-LP, KLNA-LP, KXVX-LP, KXDX-LP,  
KWSK-LP, KXVI-LP, WJUK-LP, WPCA-LP,  
UNIVERSAL LIFE CHURCH OF VISALIA,  
WXHD-FM, WFMU-FM, KRXI-FM, KYQX-FM,  
KSQX-FM, KQXS-FM, KMQX-FM,  
PROVIDENCE COMMUNITY RADIO,  
WKJCE GLBT RADIO, CLARK COMMUNICATIONS,  
CSSI, BEATRADIO, CHRISTOPHER BYDALEK,  
CITIZENS MEDIA CORPS/COMMONWEALTH BROADBAND COLLECTIVE,  
KWAQ-AM, WILW RADIO, WSJL-AM, JAMRAG MAGAZINE,  
JONATHAN E. GRANT, JAMES JASON WENTWORTH,  
CHRISTIAN COMMUNITY BROADCASTERS, MBC CONSULTING,  
TUNE TRACKER SYSTEMS, DIYMEDIA, MIDWEST CHRISTIAN MEDIA,  
COGNITIVE RESEARCH & DESIGN CORPORATION,  
MICHIGAN MUSIC IS WORLD CLASS!!,  
CITIZENS BROADCAST BAND DISCUSSION GROUP,  
MELISSA LEAR, NICKOLAUS E. LEGGETT, PATRICIA ZUMKEHR,  
STEPHEN C. BRINGHURST, E.B. STEVENSON,  
FRED M. BAUMGARTNER, C.P.B.E., ALISON MAYNARD, ESQUIRE,  
ROGER BIRD BEAR AND JAMES DAVIES**

***EXPEDITED RELIEF*  
For Low Power FM Radio Stations  
And Certain Other Radio Stations  
FCC Docket No. \_\_\_\_\_**

***ALSO FILED WITH:***

**Localism Task Force  
FCC Docket No. RM-10803**

**“Interim Authorization” Of In Band On Channel (IBOC) Digital Radio  
FCC Docket No. 99-325**

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**UNITED STATES OF AMERICA**

**Before The  
FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

<b>Expedited Relief For</b>	)	
<b>Low Power FM Radio Stations,</b>	)	
<b>And Certain Other Radio Stations,</b>	)	
<b>Threatened With Displacement</b>	)	<b>Docket No. _____</b>
<b>By Long Distance Translator Stations</b>	)	
<b>And/Or With Erosion Of Service Areas</b>	)	
<b>Due To Radio Interference</b>	)	
<b>Localism Task Force</b>	)	<b>Docket No. RM-10803</b>
<b>“Interim Authorization” Of In Band</b>	)	
<b>On Channel (IBOC) Digital Radio</b>	)	<b>Docket No. 99-325</b>

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**PETITION FOR EXPEDITED RELIEF,  
THROUGH RULEMAKING:**

**BY THE AMHERST ALLIANCE, WVJW-LP, WRIR-LP,  
WSHG-LP, WFBP-LP, WALW-LP, KZQX-LP (?), KJUK-LP, KLNA-LP,  
KXVX-LP, KXDX-LP, KWSK-LP, KXVI-LP, WJUK-LP, WPCA-LP,  
UNIVERSAL LIFE CHURCH OF VISALIA, WXHD-FM, WFMU-FM,  
KRXI-FM, KYQZ-FM, KSQX-FM, KQXS-FM, KMQX-FM,  
PROVIDENCE COMMUNITY RADIO, WKJCE GLBT RADIO,  
CLARK COMMUNICATIONS, CSSI, BEATRADIO,  
CHRISTOPHER BYDALEK, CITIZENS MEDIA  
CORPS/COMMONWEALTH BROADBAND COLLECTIVE,  
KWAQ-AM, WILW RADIO, WSJL-AM, JAMRAG MAGAZINE,  
JONATHAN E. GRANT, JAMES JASON WENTWORTH,  
CHRISTIAN COMMUNITY BROADCASTERS, MBC CONSULTING,  
TUNE TRACKER SYSTEMS, DIYMEDIA, MIDWEST CHRISTIAN MEDIA,  
COGNITIVE RESEARCH & DESIGN CORPORATION,  
MICHIGAN MUSIC IS WORLD CLASS!.,  
CITIZENS BROADCAST BAND DISCUSSION GROUP,  
MELISSA LEAR, NICKOLAUS E. LEGGETT, PATRICIA ZUMKEHR,  
STEPHEN C. BRINGHURST, E.B. STEVENSON,  
FRED M. BAUMGARTNER, C.P.B.E., ALISON MAYNARD, ESQUIRE,  
ROGER BIRD BEAR AND JAMES DAVIES**

THE AMHERST ALLIANCE and 52 other parties hereby submit this Petition For Rulemaking. The Petition seeks expedited regulatory relief for Low Power FM radio stations which are threatened with displacement by long distance translator stations and/or with erosion of service areas due to radio interference from In Band On Channel (IBOC) Digital Radio. We request expedited action on this Petition for expedited relief.

A signed original of this Petition, accompanied by 12 copies, is being express mailed to the Office of the Secretary via the FCC's Capitol Heights facility. A copy is also being filed, electronically, in Docket 99-325: the IBOC Digital Radio Docket. In addition, a copy is being filed, electronically, with the Localism Task Force, via Docket RM-10803.

This Petition is designed to supplement and complement another document that has been submitted to the Localism Task Force: the November 14, 2003 Additional Written Comments of THE AMHERST ALLIANCE in FCC Docket RM-10803.

### **IDENTIFICATION OF THE PETITIONING PARTIES**

THE AMHERST ALLIANCE is a Net-based, nationwide advocacy group for media reform in general and Low Power Radio in particular. Our Members include currently licensed Low Power FM (LPFM) broadcasters, aspiring LPFM broadcasters, aspiring Low Power AM (LPAM) broadcasters, current Part 15 AM broadcasters, current Internet broadcasters, current Amateur Radio Service operators, broadcast engineers and concerned citizens.



Amherst is joined on this Petition by 52 other parties.

Parties to the Petition include 15 FCC-authorized LPFM stations:

1. WVJW-LP, *West Virginia*
2. WRIR-LP, *Virginia*
3. WSHG-LP, *South Carolina*
4. WFBP-LP, *South Carolina*
5. WALW-LP, *Alabama*
6. KZQX-LP, *Texas*
7. KJUK-LP, *Texas*
8. KLNA-LP, *Texas*
9. KXVX-LP, *Texas*
10. KXDX-LP, *Texas*
11. KWSK-LP, *Texas*
12. KXVI-LP, *Texas*
13. WJUK-LP, *Indiana*
14. WPCA-LP, *Wisconsin*
15. UNIVERSAL LIFE CHURCH OF VISALIA, *California*

Also on this Petition For Expedited Relief are 7 licensed full power stations:

16. WXHD-FM, *New York*
17. WFMU-FM, *New Jersey*
18. KRXI-FM, *Texas*
19. KYQX-FM, *Texas*
20. KSQX-FM, *Texas*
21. KQXS-FM, *Texas*
22. KMQX-FM, *Texas*

In addition, the Petitioners include 6 aspiring Low Power FM licensees, each of whom has sought unsuccessfully an LPFM license, is now being considered for one and/or is likely to seek one in the future:

23. PROVIDENCE COMMUNITY RADIO, *Rhode Island*
24. WKJCE GLBT RADIO [Internet broadcaster], *Pennsylvania*
25. CLARK COMMUNICATIONS, *Virginia*
26. CSSI, *Texas*
27. BEATRADIO, *Minnesota*
28. CHRISTOPHER BYDALEK, *Alaska*

The Petitioners further include 7 potential Low Power *AM* licensees, each of whom currently plans to apply for an LPAM license once a Low Power AM Radio Service has been established:

29. CITIZENS MEDIA CORPS/COMMONWEALTH BROADBAND COLLECTIVE [Part 15 AM station], *Massachusetts*
30. KWAQ-AM [Part 15 AM station], *New York*
31. WILW RADIO [Internet broadcaster], *New York*
32. WSJL-AM [Part 15 AM station], *New Jersey*
33. JAMRAG MAGAZINE, *Michigan*
34. JONATHAN E. GRANT, *Indiana*
35. JAMES JASON WENTWORTH, *Alaska*

In addition, this Petition For Rulemaking has been signed by 6 service providers to the LPFM community and/or the radio broadcasting industry as a whole:

36. CHRISTIAN COMMUNITY BROADCASTERS, *Georgia*
37. MBC CONSULTING, *Texas*
38. TUNE TRACKER SYSTEMS, *Wisconsin*
39. DIYMEDIA, *Wisconsin*
40. MIDWEST CHRISTIAN MEDIA, *Missouri*
41. COGNITIVE RESEARCH & DESIGN CORPORATION, *California*

Also represented on this Petition are 3 citizens' advocacy groups:

- 42. THE AMHERST ALLIANCE, *Connecticut*
- 43. MICHIGAN MUSIC IS WORLD CLASS!!, *Michigan*
- 44. CITIZENS BROADCAST BAND DISCUSSION GROUP, *Minnesota*

Last but certainly not least, 9 of the Petitioners are concerned citizens:

- 45. MELISSA LEAR, *New York*
- 46. NICKOLAUS E. LEGGETT, *Virginia*
- 47. PATRICIA ZUMKEHR, *North Carolina*
- 48. STEPHEN C. BRINGHURST, *Alabama*
- 49. E.B. STEVENSON, *Missouri*
- 50. FRED BAUMGARTNER, C.P.B.E., *Colorado*
- 51. ALISON MAYNARD, ESQUIRE, *Colorado*
- 52. ROGER BIRD BEAR, *Colorado*
- 53. JAMES DAVIES, *Colorado*

We note that FRED BAUMGARTNER, C.P.B.E. of Colorado has been a regional and a national officer of the SOCIETY OF PROFESSIONAL BROADCAST ENGINEERS. He chairs the newly formed NATIONAL ANTENNA CONSORTIUM.

NICKOLAUS E. LEGGETT co-authored the 1997 Petition For Rulemaking that triggered FCC Docket RM-9208 -- the FCC's first deliberations on establishing a Low Power FM Radio Service -- in 1998. He was joined on that Petition by DON SCHELLHARDT, who now serves as President of THE AMHERST ALLIANCE.

ALISON MAYNARD, ESQUIRE was the Green Party candidate for Attorney General of Colorado in 2002. She practices law from an office in Denver.

## EXECUTIVE SUMMARY

We respectfully request action by the full Federal Communications Commission, in the *immediate* future, to adopt the following public policy initiatives:

- (1) A “freeze” on the issuance of licenses for new satellite-fed translator stations (aka “satellators”) and other long distance translators
- (2) Establishment of a new, Tertiary Service Status for all of the above-referenced satellators and long distance translators
- (3) Assignment of Primary Service Status to all Low Power FM Radio stations, including LP-10 stations
- (4) Initiation of an immediate FCC investigation into abuses and improprieties in current translator stations, including redundant applications (several frequencies sought for a single station in a single market) and misrepresentation of local sponsorship

*And*

- (5) Pending the Commission’s comprehensive reconsideration of the IBOC version of Digital Radio, establishment of emergency relief procedures for adversely affected stations, through which such stations may petition for proportionate increases in wattage and/or tower height, in order to compensate for the erosion of their service areas by IBOC interference

Other, less time-sensitive proposals to assure greater localism in broadcasting should be considered by the Localism Task Force. *These* proposals should be placed on a “fast track” for immediate action by the full Commission.

### **THE NEED FOR EXPEDITED RELIEF**

We commend FCC Chairman Michael Powell, and the other FCC Commissioners, for creating the new Localism Task Force and charging it with a comprehensive mandate. We commend the Task Force Members for organizing themselves so quickly and scheduling 5 different regional Hearings in addition to the national Hearings in Washington, D.C.

However, in the case of both proliferating long distance translator stations and interference from In Band On Channel (IBOC) Digital Radio broadcasts, the scheduled time frame for Task Force action is not brisk enough.

So many FM translator applications poured into the FCC this past spring -- more than 15,000 of them, in a surge which LPFM stations call "The Great Translator Invasion" -- that these applications have now blocked most of the frequencies which would otherwise be available for new LPFM stations. Even when and if Congress repeals the current statutory requirement for third adjacent channel spacing of LPFM stations, most of the LPFM expansion opportunities that would otherwise result will have been neutralized by satellite-fed translator stations and other "long distance translators".

Inexplicably, despite repeated pleas from THE AMHERST ALLIANCE and others, these outposts of vast national institutions, with standardized programming, have been allowed to retain a higher Service Status than locally based, and locally focused, LPFM stations.

Unlike LPFM stations, *local* FM translator stations have a Service Status equal to “satellators” and other long distance translators. Nevertheless, even these stations have felt so impeded by satellators, and other long distance translators, that their trade organization -- THE NATIONAL TRANSLATOR ASSOCIATION (NTA), based in Colorado -- has formally requested the FCC to “freeze” the issuance of any new translators, pending fundamental reforms to protect local translators. Their call for an immediate translator licensing “freeze” can be found in Docket RM-10609.

In the same Written Comments, the NTA also called for corrective action to protect local translators from ruinous interference, on the FM Band, that is caused by interference from IBOC Digital Radio.

The NTA does not stand alone in expressing concerns about IBOC interference. Ever since the Commission granted “interim authorization” of IBOC Digital Radio broadcasts a year ago, Docket 99-325 has become cluttered with complaints of damaging IBOC interference and other problems associated with IBOC Digital Radio. These reports should not surprise anyone, given that IBOC Digital Radio

inherently requires a 50% expansion of bandwidth -- meaning, eventually, a 35% reduction in available frequencies!! -- *and* given that the IBOC technology was selected by the FCC without any effort to first compare IBOC competitively with alternative technologies.

In any event:

A stated goal of the Localism Task Force is the development of recommendations which can form the basis for action on proposed rules, by the full Commission, "in the fall of 2004". Presumably, final rules -- that is, actual new regulations -- would not become law until 2005 or even later. Unfortunately, both licensed and aspiring LPFM broadcasters, as well as other broadcasters who are vulnerable to the proliferation of long distance translators and/or to IBOC interference, will suffer irreparable damage if they must wait so long for relief.

Therefore:

In these two areas, the undersigned Petitioners are urging the Commission to separate 5 specific initiatives from the rest of the reform agenda. The full Commission should then take expedited action on these proposed initiatives in the *immediate* future, while referring less time-sensitive matters to the Localism Task Force.

This approach will prevent irreparable harm to various LPFM stations, and to other radio stations as well, while the Task Force considers the rest of the reform agenda.

**Expedited Relief For Low Power FM Radio Stations,  
And Local FM Translator Stations,  
Threatened With Displacement  
By Long Distance Translator Stations**

The Petitioners request immediate action on 4 proposed initiatives.

(1) *The Commission should initiate a “freeze” on issuance of licenses for all proposed translator stations which are fed by satellite (aka “satellators”) and/or which re-transmit other signals with a long distance origin.*

As noted above, this request echoes a request that was first made to the FCC, in February of 2003, by THE NATIONAL TRANSLATOR ASSOCIATION (NTA). The NTA has stated that its Members are concerned about both: (a) the loss of their growth opportunities to satellators and/or other long distance translators; and (b) the projected erosion of their service areas due to interference from IBOC Digital Radio broadcasts on the FM Band.

THE AMHERST ALLIANCE has explicitly endorsed the NTA’s request.

Unfortunately, a “freeze” on the licensing of new satellators, and other long distance translators, will not in and of itself remove the question marks faced by Low Power FM applicants who have applied for, or who hope to apply for, frequencies which are also being sought by long distance translators. Such Low Power FM applicants, and for that matter the *local* translator applicants who belong to the NTA, must still face uncertainties regarding what will happen when and if the “freeze” is lifted.



To put some *basic* ground rules in place while more “finely tuned” reforms are being considered, thereby improving the effectiveness of planning by *all* affected applicants for broadcast licenses, the second, third and fourth proposed initiatives, as set forth below, should *also* be adopted.

(2) *A new, Tertiary Service Status should be established for all of the above-referenced satellators and long distance translators.* That is: Both Low Power FM stations *and* local translators should be able to displace satellators and other long distance translators. Localism would be given a protected enclave against one of the strongest current forces for standardization of programming.

As another benefit for the public, organizations which have no real *current* intention to build a station in a particular area would no longer be able to “warehouse” a frequency -- for possible use in the future -- by using a translator application as a “placeholder” that blocks more timely use of the frequency by others.

(3) *Primary Service Status should be assigned to all Low Power FM stations, Including LP-10 stations.* Although the initiative described above would protect Low Power FM stations, *and also* local translator stations, from displacement by satellators and/or other long distance translators, it would not protect established Low Power FM stations from displacement by new full power stations which arrive in their vicinity.

At present, satellators and other long distance translators pose far away the greatest threat of actual or potential displacement of licensed or aspiring Low Power FM

broadcasters. Still, the threat of displacement by newly arriving full power stations is more than hypothetical, even in some small cities and towns.

Recently, an existing, fully licensed LPFM station in Greenville, South Carolina -- not in New York City, or in Boston, or in Chicago, but in Greenville, South Carolina -- was driven off the air when a full power station moved to Greenville from a North Carolina community, 60 miles away.

This could not have happened if the FCC had heeded the call of THE AMHERST ALLIANCE, as early as 1998, to assign Primary Service Status to LPFM.

In the large metropolitan areas of our country, where the radio spectrum is already packed with stations, even a shift from third adjacent channel spacing to second adjacent channel spacing will yield only a handful of additional frequencies for LPFM stations. With so many full power broadcasters constantly being drawn to these lucrative markets, where downtown densities can exceed 10,000 people per square mile, LPFM stations placed on the newly opened frequencies will be an "endangered species" from their first day on the air -- *unless* they are given the protection of Primary Service Status, which will protect them from displacement by full power newcomers.

(4) *The FCC should initiate an immediate investigation of abuses and improprieties in current translator applications, including redundant applications (several frequencies sought for a single station) and misrepresentation of local sponsorship.* A solicitation of complaints would bring forth "horror stories" aplenty.

**Definition Of A  
“Long Distance Translator”**

The goal of reigning in satellators and other “long distance translators” raises the question of how to define the targets. Defining a “satellator” -- that is, a translator that is fed by satellite signals -- is a fairly straightforward proposition. However, defining what makes more conventional translators “long distance” is a more subjective enterprise.

THE AMHERST ALLIANCE first proposed a new, Tertiary Service Status for satellators “and other long distance translators” in Written Comments to the FCC in 1999. At the time, Amherst defined a “long distance translator station” as one whose re-transmitted signals originate more than 60 miles (100 kilometers) away.

More recently, REC NETWORKS of Arizona -- an Amherst Member -- has proposed a less restrictive definition. REC NETWORKS favors treating a translator as “long distance” *only* if its re-transmitted signals have a point of origin which is *both*: (a) more than 240 miles (400 kilometers) away; *and also* (b) located in another State.

We note that REC NETWORKS’ proposed definition has also been endorsed by MEDIA ACCESS PROJECT, in October 14, 2003 Written Comments filed in this Docket on behalf of THE PROMETHEUS RADIO PROJECT and 5 other groups.

Under the definition proposed by REC NETWORKS, intrastate distances as great as Houston to Del Rio, or Los Angeles to Eureka, would still be considered part of a

“local” translator network. So would *interstate* distances as great as New York to Boston, or New York to Washington.

Under the definition that was originally proposed by Amherst, all translators -- intrastate or interstate -- would be considered “long distance” if the mileage between point of origin and point of re-transmission exceeds 60 miles (100 kilometers). Distances such as Washington to Frederick, or Washington to Fredericksburg, would be considered “local”. Signals moving from Washington to Richmond, or from Washington to Philadelphia, would be considered “long distance”.

During 2003, following internal discussions, Members of Amherst voted to support a higher mileage threshold *West of the Mississippi*, where population densities are lower and distances between population centers are greater. For translators whose call letters start with “K”, Amherst will accept a threshold of 120 miles (200 kilometers).

Amherst also voted for a threshold of 240 miles (400 kilometers) in Alaska.

THE AMHERST ALLIANCE, for one, continues to err on the side of caution where the preservation of localism is at stake. In this regard, Amherst believes that its revised proposal represents the outer limits of what can reasonably be considered “local”.

Nevertheless, *any* of these distance thresholds would constitute a major improvement over the status quo.

**Expedited Relief For Low Power FM Radio Stations,  
And Other Radio Stations,  
Threatened With Erosion Of Service Areas  
Due To Radio Interference From  
In Band On Channel (IBOC) Digital Radio**

THE AMHERST ALLIANCE, joined by many others inside and outside the Low Power Radio community, has for years opposed authorization of the In Band On Channel (IBOC) version of Digital Radio.

On October 25, 2002, following the Commission's October 11, 2002 vote for "interim authorization" of broadcasts using IBOC Digital Radio, THE AMHERST ALLIANCE and 33 other parties filed a Petition For Reconsideration in Docket 99-325. The Petition advocates suspension or revocation of the IBOC approval Order, pending a competitive comparison of IBOC Digital Radio with alternative technologies -- including KAHN COMMUNICATIONS' newly announced COMPATIBLE AM DIGITAL (CAM-D) technology for the AM Band, Digital Radio Mondiale, Eureka-147 and traditional Analog Radio.

Due to retroactive signatories, there were 40 Anti-IBOC Petitioners by the end of the year. Still, the FCC has made no response to the multi-party Petition For Reconsideration during the 12 months since it was filed.

Meanwhile, more stations are shifting to IBOC ... those stations are increasing their bandwidths by 50% ... and the result is an increasing threat of interference with other stations on the air.

The erosion of service areas, due to IBOC interference, may force some smaller stations -- especially, but not exclusively, Low Power FM stations -- to leave the airwaves before the Task Force is able to complete its work in June of 2004.

For this reason, we urge the initiation of expedited action, by the full Commission, on the following proposal for expedited relief:

(5) *Pending the Commission's comprehensive reconsideration of the IBOC version of Digital Radio, emergency relief procedures should be established for adversely affected stations, through which such stations may petition the FCC for proportionate increases in wattage and/or tower height, in order to compensate for the erosion of their original service areas by IBOC interference.*

We are *not* proposing that the new "service area restoration procedures" should only be available for LPFM stations. We know that a *full range* of stations, including even 50 megawatt "blowtorch" stations, may lose some of their approved service areas as the result of IBOC interference.

As another factor, we would not limit relief to LPFM stations because we know that interference from IBOC generally appears to be worse on the AM Band than on the FM Band -- although problems with reception have been experienced on both bands.

For these reasons, *any* station which can *demonstrate* loss of service area, as the result of IBOC interference, should be authorized to petition the Commission

for a proportionate, offsetting increase in wattage and/or tower height.

Nevertheless, when and if priorities have to be set, a reasonable preference should be given to the claims of LPFM stations, future LPAM stations, Class A stations and other relatively small stations. Relatively small radio stations, whether commercial or non-commercial, are more likely than larger stations to be financially fragile, with little cash flow “margin” for even modest erosion of their service areas.

Such stations are also much more likely to have a distinctly local focus. Indeed, LPFM stations are *required by the FCC* to have a local focus.

### **Other Relief Sought By Petitioners**

For other, less time-sensitive relief which is sought by the undersigned Petitioners, *and* which will promote localism in broadcasting, please see the October 27, 2003 Written Comments of THE AMHERST ALLIANCE in the FCC’s Localism Task Force Docket (RM-10803), as well as Amherst’s more recent Additional Written Comments and Supplemental Written Comments in the same Docket. These latter filings are dated November 14, 2003.

### Conclusions

For the reasons we have set forth herein, the undersigned Petitioners urge the full Federal Communications Commission to take action, in the *immediate* future, to adopt the 5 public policy initiatives we have proposed.

Other, less time-sensitive proposals to assure greater localism in broadcasting should be considered by the Localism Task Force.

Respectfully submitted,

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Dated: \_\_\_\_\_  
November 14, 2003

***APPENDIX:***

**A PARTIAL LIST OF OTHER RELEVANT FILINGS WITH THE FCC**

**LONG DISTANCE TRANSLATORS AND SERVICE STATUS REFORM**

***FCC Docket No. RM-10609***

***(Calvary Chapel Petition For Even More Translators):***

**Comments Of THE AMHERST ALLIANCE: 5/19/03 (*Letter*), 3/21/03, 1/20/03**

**Comments Of REC NETWORKS: 5/08/03 (*Letter*), 1/21/03, 12/30/02, 12/04/02**

**Comments Of KOL AMI HAVURAH (licensee of WVJW-LP): 1/03/03**

**Comments Of WKJCE GLBT RADIO: 12/31/02**

**Comments Of THE NATIONAL TRANSLATOR ASSOCIATION: 2/12/03**

***FCC Docket No. 99-25***

***(Low Power FM Radio Service):***

**Comments Of THE AMHERST ALLIANCE: 10/14/03**

**Comments Of REC NETWORKS: 10/06/03**

**Written Comments Of MEDIA ACCESS PROJECT, *On Behalf Of*  
THE PROMETHEUS RADIO PROJECT, FUTURE OF MUSIC COALITION  
And 4 Others: 10/14/03**

**PETITION FOR RULEMAKING**

**On FM Band Reallocation**

**[Including Translator and Service Status Reform]: 4/17/02**

**Filed by THE AMHERST ALLIANCE and 9 Others**

***[NOTE: Not yet Docketed ...***

***Still lodged in the PRM02ET “holding tank”***

***of the FCC’s Electronic Comment Filing System (ECFS) ...***

***Not yet granted, denied or addressed in any other manner by the FCC]***

THE AMHERST ALLIANCE and 52 Others

*APPENDIX*

To Petition For Expedited Relief

November 14, 2003

*PAGE TWO*

**IN BAND ON CHANNEL (IBOC) DIGITAL RADIO**

*FCC Docket No. 99-325*

*(Authorization Of IBOC Digital Radio):*

**PETITION FOR RECONSIDERATION: 10/25/02**

**Filed By THE AMHERST ALLIANCE and 33 Others [now 39]**

*[NOTE: Not yet granted, denied or addressed in any other manner  
by the FCC]*

**Request For An Environmental Impact Statement [EIS]**

**On Authorization Of IBOC Digital Radio: 7/18/02**

**Filed By THE AMHERST ALLIANCE and 8 Others [now 10]**

*[NOTE: No Environmental Impact Statement, or Environmental Assessment,  
was ever issued by the FCC]*

**PETITION FOR RULEMAKING**

**Proposing Competitive Comparisons**

**Between IBOC Digital Radio and Alternative Technologies: 4/17/02**

**Filed By THE AMHERST ALLIANCE and 10 Others**

*[NOTE: Not yet Docketed ...*

*Still lodged in the PRM02MB "holding tank"  
of the FCC's ECFS ...*

*Not yet granted, denied or addressed in any other manner by the FCC]*

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